



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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Philippines: Government response to drug trafficking, and state protection available to police officers involved in the investigation of drug trafficking (2004 - 2006)

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In its *2006 International Narcotics Control Strategy Report (INCSR 2006)*, the United States (US) Department of State described the Philippines as "a drug smuggler's paradise" as a result of its extensive coastline, most of which is unpatrolled or uninhabited, and as having "deficits in equipment, training and intelligence sharing" which hamper law enforcement efforts against the drug trade (Mar. 2006, Vol. 1). According to the US Department of State, the illegal drug trade in the Philippines has become a billion-dollar industry involving organized crime in China, Hong Kong and Taiwan, insurgency groups based in the Philippines, and corrupt government officials involved in money laundering (Mar. 2006, Vol. 2). Along with China, Hong Kong, Thailand and Vietnam, the Philippines is considered a high-risk country for illegal drug smuggling (*The Philippine Star* 10 Mar. 2006) and is known as a source country for methamphetamine [commonly known as "shabu" in the Philippines (*ibid.*)], that is consumed in North America (UN 2006, 129).

In response to claims made in the *INCSR 2006*, the Philippine president's office commented that law enforcement officers continued to crack down on drug traffickers (*The Philippine Star* 9 Mar. 2006). While the Press Secretary acknowledged that the Philippines had a "serious drug problem," he stated that labelling the country a "haven" for drug smugglers was "stretching it too far" (*ibid.*). For its part, the Philippine National Bureau of Investigation confirmed that terrorist organizations such as the Abu Sayyaf Group (ASG) were securing funds through connections with the drug trade (*The Philippine Star* 10 Mar. 2006).

The *Comprehensive Dangerous Drugs Act of 2002*, which replaces a 20-year-old statute on illicit drugs (AP 30 May 2002), makes the possession of 10 grams of heroin or cocaine, as well as the possession of 50 grams of "shabu," punishable by life imprisonment or death (Philippines 7 June 2002, Sec. 11). The same penalties apply to persons convicted of unlawfully selling or trading illicit drugs (*ibid.*, Sec. 5). According to Senator Robert Barbers, one of the authors of the *Act*, the 2002 legislation is "the toughest and most potent anti-drug law in Asia" (AP 30 May 2002; see also *BusinessWorld* 23 May 2002).

In 2006, however, Philippine president Gloria Arroyo called for the abolition of the death penalty, arguing that the reinstatement of capital punishment in 1994 to deal with "heinous" crimes such as rape and drug trafficking had failed to prevent the proliferation of "syndicated crimes" in the Philippines (*The Manila Times* 8 June 2006). In 2006, the House of Representatives and the Senate both approved a house bill to "prohibit the imposition of the death penalty law" (*BusinessWorld* 7 June 2006; see also *The Manila Times* 8 June 2006). According to a 7 June 2006 *BusinessWorld* article, all those sentenced to death would receive a sentence of life imprisonment instead.

Under the 2002 *Act*, law enforcement officers, along with other public officials (Philippines 7 June 2002, Sec. 36 (d) (e)), are required to undergo yearly mandatory drug testing and are liable to criminal charges for involvement in the illegal drug trade or for benefiting from the seizure of illicit drugs (*ibid.*, Sec. 27, 28).

Although Philippine authorities consider the fight against drugs a top priority, the *INCSR 2006* states that a lack of resources has translated into weak enforcement of the 2002 *Act* (Mar. 2006, Vol. 1). According to the *INCSR 2006*, the investigation and prosecution of drug cases is further hampered by obstacles in gathering evidence and by law enforcement and criminal justice systems plagued by corruption, low morale and a high turnover rate (*ibid.*). The Deputy Director of the Philippine National Police (PNP) and Head of the Anti-Illegal Drugs Special Operations Task Force (AID-SOTF) told the *Manila Bulletin* that the involvement of some police officers in the illegal drug trade has impeded the PNP's efforts to counter the trade (27 Feb. 2005). An article in the *Manila Times* reported that some of the police officers in Pasig City who had successfully raided a large illegal "drug den" claimed that some of their colleagues had been involved in the operation (*Manila Times* 21 Feb. 2006). Ernesto F. Herrera stated that, in his capacity as Chairperson of the Citizens DrugWatch Foundation and previously as the Chairperson of the Senate Ad Hoc Committee on Illicit Drugs, he had "frequently exposed" a number of police officers, public officials and members of the judiciary who were involved in drug trafficking or had acted as "protectors" of drug dealers and traffickers (*ibid.*). According to the *INCSR 2006*, however, few arrests of police or other drug enforcement officers involved in dealing drugs or in selling confiscated chemicals were made in 2005 (US Mar. 2006, Vol. 1).

The *INCSR 2006* also reported that, due to a backlog of cases before the courts and the provision in the 2002 Act that drug cases be heard only in "Special Drug Courts," the pace of judicial proceedings has been slow (US Mar. 2006, Vol. 1).

In 2003, amendments were made to the *Anti-Money Laundering Act of 2001* after it came under heavy criticism from outside observers for failing to meet international standards (ibid., Vol. 2). The Act, which criminalizes money laundering, also provides for the establishment of the Anti-Money Laundering Council (ibid.). The Council serves as a financial intelligence agency responsible for monitoring and evaluating suspicious transactions, in addition to investigating and prosecuting money laundering cases (ibid.). According to *BusinessWorld*, as of 31 March 2006, the Council had filed 92 cases of money laundering with the courts, the Department of Justice and the Ombudsman (18 May 2006). The Council has also reportedly frozen assets following requests from the United Nations (UN) Security Council and foreign governments (US Mar. 2006, Vol. 2). In 2005, the Financial Action Task Force removed the Philippines from its list of countries considered to be lax in the combat against money laundering (ibid.).

Recent measures taken by the Philippine government against the drug trade include a 2006 injection of funds into the Philippine Drug Enforcement Agency (PDEA) and the transfer of responsibility for anti-drug efforts from the PNP to the PDEA (*BusinessWorld* 20 June 2006). Funds were also allocated to the PNP to carry out "high-impact anti-illegal drugs operations" (ibid.). In 2002, President Arroyo created the PNP Anti-Illegal Drugs Special Operations Task Force (US Mar. 2006, Vol. 1). The focus of law enforcement officers in 2005 continued to be the arrests of major traffickers and large illicit drug operations (ibid.). In 2006, forty police and military officers completed a four-week training program on countering drug trafficking which was funded by the US government (*Manila Standard* 8 May 2006; *Xinhua* 7 May 2006).

As a result of the *INCSR 2006*, the Director of the Customs Enforcement Security Service stated that his department would be monitoring all shipment arrivals from China, Hong Kong and other countries in South-East Asia identified as "high-risk" for drug trafficking (*The Philippine Star* 10 Mar. 2006).

The Philippines has ratified the 1988 *UN Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances* and the *UN Convention against Transnational Organized Crime* as well as its protocols (US Mar. 2006, Vol. 1). In addition to having signed a Mutual Legal Assistance Treaty (MLAT) with the US to facilitate cooperation on law enforcement matters (US Mar. 2006, Vol. 1), the Philippines has also reportedly concluded two agreements with China to combat transnational crime and the traffic of illicit drugs (*The Philippine Star* 23 July 2002).

Information on state protection available to police officers involved in law enforcement efforts against the drug trade could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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#### Additional Sources Consulted

**Internet sites, including:** International Narcotics Control Board, Philippine National Police.

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